

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 30, 2015

Via E-filing <http://www10.tceq.state.tx.us/epic/efilings>

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality
Attention: Docket Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: TCEQ Enforcement Action
Joe's & Cho, Inc. d/b/a Joes Future Food Mart
Docket No. 2015-1221-PST-E; RN101432268

Dear Ms. Bohac:

On behalf of the Executive Director, and pursuant to 30 TEX. ADMIN. CODE § 70.109, please consider this letter a request for referral of the above-referenced enforcement action to the State Office of Administrative Hearings ("SOAH"). Accordingly, the Executive Director requests that you file a Request to Docket Case form so that SOAH may acquire jurisdiction to preside over this contested enforcement action.

On October 26, 2015, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Joe's & Cho, Inc. d/b/a Joes Future Food Mart" (the "EDPRP") was filed with the Office of the Chief Clerk. On November 23, 2015, Joe's & Cho, Inc. d/b/a Joes Future Food Mart filed an Answer with the Office of the Chief Clerk requesting a hearing. Thus, more than 30 days have passed since an Answer was filed in this matter. The EDPRP serves as the list of issues or areas that must be addressed in the contested case hearing. As such, please file the EDPRP with SOAH and issue to all parties notice of the public hearing pursuant to TEX. GOV'T CODE § 2001.052 and 1 TEX. ADMIN. CODE § 155.401.

Please contact me at (512) 239-3400 with any questions you may have. Thank you for your prompt attention to this matter.

Sincerely,

Jake Marx, Staff Attorney
Litigation Division
Jake.Marx@tceq.texas.gov

Enclosures

cc: Thomas Greimel, Enforcement Division
Sam Barrett, Dallas/Fort Worth Regional Office

CERTIFICATE OF SERVICE

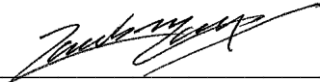
I hereby certify that on this 30th day of December, 2015, the original of this letter was filed with the Chief Clerk of the Texas Commission on Environmental Quality, and that a true and correct copy of the foregoing was sent to the following persons by the method of service indicated:

Via Certified Mail, Article Number 7002 2030 0005 7059 5687

Ae Ok Park, Director
Joe's & Cho, Inc.
4225 Miller Avenue
Fort Worth, Texas 76119

Rudy Calderon
Office of Public Interest Counsel, MC 103
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Via Electronic Mail (pdf version) to rudycalderon@tceq.texas.gov



Jake Marx, Staff Attorney
Litigation Division

SERVICE LIST

Joe's & Cho, Inc. d/b/a Joes Future Food Mart
TCEQ Docket No. 2015-1221-PST-E

Ae Ok Park, Director
Joe's & Cho, Inc.
4225 Miller Avenue
Fort Worth, Texas 76119

Rudy Calderon
Office of Public Interest Counsel, MC 103
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
E-Mail rudycalderon@tceq.texas.gov